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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,703	10/11/2001	Andrew C. Florance	COS0001-CIP	8169

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EXAMINER

KRAMER, JAMES A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973,703

Applicant(s)

FLORANCE ET AL.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/8/03
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-12, 16-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 11-12, 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roderick in view of Weichert (both previously presented).

Roderick (as previously taught in the Office Action mailed 12/1/03) teaches a system for improved content management and delivery. Specifically, Roderick teaches upon receiving a request for information a mining agent is invoked which utilizes a industry standard product identifier (ISPID) to retrieve the requested information from accessible resources. Roderick further teaches that the mining agent may access local and/or remote information (column 6; lines 40-50). In addition, the mining agent searches accessible databases for information associated with the industry standard product identifier received in a request for information from a remote client (column 7; lines 25-29).

Roderick gives an example of a preferred embodiment where the accessible database is an MLS (multiple listing service) database of real estate property (e.g. column 7; lines 49-54). Examiner notes that one of ordinary skill realizes that the MLS database houses real estate information from a plurality of different real estate agents and firms.

Roderick also teaches that the system can be used to enable vendors (i.e. real estate agents) to make their products all the more accessible to clients (column 8; lines 13-15). Examiner notes that in most of the embodiments, Roderick teaches the use of a specific MLS number for a specific property, however Examiner references column 10; lines 53-59, where

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Roderick states that those skilled in the art will appreciate that any product criteria listed in database 600 is searchable and that those skilled in the art will appreciate that other search terms may well be used without deviating from the spirit and scope of the present invention. Examiner further notes that database 600 teaches real estate agent as a product criteria and thus Roderick teaches searching the MLS by listing agent or firm.

Examiner notes that Roderick supports and teaches a user entering the web site of a real estate agent via a designated resource locator (URL). The system would then use a ISPID associated with that real estate agent to query the MLS database and produce a list of properties for that agent. Examiner once again notes that the MLS database is a separate, third party database that holds property information for a plurality of agents.

Roderick does not teach a graphical user interface with two portions a modifiable portion and a linked portion, where data in the modifiable portion originates from the web site of the affiliate and the data from the linked portion is from a real estate database with data from more than one affiliate.

Weichert (as previously discussed in the Office Action mailed 12/1/03) teaches a framed web site with two portions. The portion on the left (modifiable portion) contains data from the Weichert website (affiliate website). The portion on the right (modifiable portion) contains data from a database of Weichert properties. Examiner points out the definition of a frame from the Microsoft Press Computer Dictionary Third Edition. Frame: a rectangular section of the page displayed by a web browser that is a separate HTML document from the rest of the page. Web pages can have multiple frames, each of which is a separate document. Associated with each frame are the same capabilities as for an unframed page.

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It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the web page of Roderick by placing the results of the mining agent (i.e. the MLS data associated with the real estate agent) in a framed page as taught by Weichert, in order to maintain control over the advertising information (i.e. company logo, name, address etc.) in the left section (modifiable portion).

Response to Arguments

Applicant asserts that teaching of Roderick are limited to a system and method that search for and display information pages only in response to receiving a request including a resource identifier and this contrasts Applicant's instant invention which automatically executes predetermined queries.

Examiner disagrees with the idea that there is a contrast between these two concepts.

Applicant's invention includes a real estate database with information about properties related to multiple affiliates. When a user enters an affiliate web site and is only presented with information associated with that affiliate, the database must be queried. Applicant calls this a "predetermined query". However, Examiner notes that the web site must pass an affiliate criteria to this query so that the query knows which affiliate to filter on.

In addition, Applicant states that the present invention provides real time updating of information on the web site from the database. The only way for this to be possible is for the web site to run a new query of the database every time the web site is accessed by a user. Therefore there must be a call from the web site, with affiliate criteria, to the server that initiates the "predetermined query".

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Examiner notes that this is the exact same concept as taught by Roderick. Roderick teaches dynamically creating web pages based on the information created. In other words Roderick provides real time updating of information from the database. In addition, the user does not have to make a call, he merely opens the web page and the page automatically uses the data in the URL to perform a predetermined query. In other words the user isn't the one that builds and scripts the query, the user merely submits the specific criteria via the URL used by the predetermined query.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

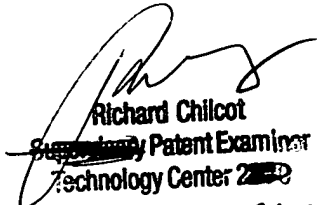
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner
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